REMARKS

In the ***non-final*** Office Action mailed March 21, 2011, the Office noted that claims 6, 9 and 11 were pending and rejected claims 6, 9 and 11. In this amendment, claims 6 and 9 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 6, 9 and 11 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 6, 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Motohashi, U.S. Patent Publication No. 2003/0202782 in view of Shoji, U.S. Patent Publication No. 2003/0137915. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 6 has been amended to recite "a first controlling device for controlling said writing device (i) to write the record information into the first recording layer from the inner circumferential side to the outer circumferential side, ***up to an outer edge of the data area of the first recording layer which is adjacent to and is immediately before an inner edge of the middle area of the first recording layer*** and (ii) to write the record information into the second recording layer from the outer circumferential side to the inner circumferential side, after the

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recording of the first recording layer is finished, while a recording direction is turned-around **at the outer edge of the data area of the first recording layer which is adjacent to and is immediately before the inner edge of the middle area of the first recording layer, from an outer edge of the data area of the second recording layer which is adjacent to and is immediately after an inner edge of the middle area of the second recording layer.**" (Emphasis added) Support for the amendment may be found, for example, in Fig. 8 and its supporting text of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of claim 6. Claim 9 likewise has been amended in a similar manner.

According to the present claims the predetermined amount of buffer data is written in one portion (for example, the short middle area (SMA) indicated in Fig. 8 of the present application) of the middle area, in order to solve such a technical problem that if the record information is recorded over the first recording layer and the second recording layer, it is necessary to record the middle area with a huge information amount, for a process in which the record information on the recording medium can be reproduced on a DVD-ROM drive, i.e. so called finalize, or the border close, which prolongs a time length for the recording process (see page 3 lines 17-21 (paragraph (010) of the Specification of the present application).

More specifically, as disclosed on page 34 line 24 to page 35 line 4 (paragraph (087) of the Specification of the present application), the record information (e.g. contents) is recorded in the first recording layer (e.g. the L0 layer), and continuously, the predetermined amount of the buffer data written in one portion of the middle area (e.g. the short middle area) of the first recording layer (e.g. the L0 layer). Then after layer jump from the one portion of the middle area (e.g. the short middle area) of the first recording layer (e.g. the L0 layer), the predetermined amount of the buffer data is written in one portion of the middle area (e.g. the short middle area) of the second recording layer (e.g. the L1 layer), and continuously, the record information is recorded in the second recording layer (e.g. the L1 layer).

Namely, the present invention has the novel feature such that "(i) the predetermined amount of buffer data written in one portion of the middle area of each of the first and second recording layers, which is adjacent to the turned-around-position (i.e. the outer edges of the data areas of the first and second recording layers), when the border close instruction is firstly inputted after the record information is recorded over the first and second recording layers, and (ii) the buffer data is added to other portion of middle area of each of the first and second recording layers when the finalize instruction is inputted". Due to the above novel feature, in recording the data (e.g. the video

data) which requires real-time features, it is possible to record it over the first and second recording layers almost without interrupting the recording operation, and it is also possible to avoid the problem of buffer overflow or the like (see page 35 lines 12 to 15 of the Specification of the present application).

Motohashi and Shoji fail to disclose, suggest or teach the novel feature of the present invention such that "the predetermined amount of buffer data is written in one portion of the middle area which is adjacent to the turned-around-position (i.e. which is adjacent to the outer edges of the data areas of the first and second recording layers)."

In particular, Motohashi merely discusses the closure 231 or the lead-out 232 which is located at the end of the session (see ¶ 0090 and Fig. 3 of Motohashi).

However, because Motohashi does not disclose the recording medium having two recording layers, Motohashi does not disclose the area which is adjacent to the turned-around-position (i.e. the position at which the recording direction is turned around). Namely, the closure 231 and the lead-out 232 of Motohashi are absolutely different from the middle area of the present invention, because the closure 231 and the lead-out 232 of Motohashi are not adjacent to the turned-around-position while the middle area of the present invention is adjacent to the turned-around-position.

In addition, although Shoji discloses the middle area,

the combination or each of Motohashi and Shoji does not disclose, suggest or teach that the session of Motohashi is ended (closed) in the middle area of Shoji. Furthermore, Shoji discloses that the recording is sequentially and successively performed from the data area 114 of the first recording layer 104 to the data area 110 of the second recording layer 102 (see ¶ 0111 of Shoji), which means that the closure 231 or the lead-out 232 of Motohashi is not located in the middle area of Shoji because the recording is ended in the data area 114 of the second recording layer 102 (see Fig. 5C of Shoji).

Therefore, the Applicants believe that the combination or each of Motohashi and Shoji does not disclose, suggest or teach "the predetermined amount of buffer data is written in one portion of the middle area which is adjacent to the turned-around-position (i.e. which is adjacent to the outer edges of the data areas of the first and second recording layers)."

The combination or each of Motohashi and Shoji does not disclose, suggest or teach "(i) the predetermined amount of buffer data is written in one portion of the middle area in response to the first border close instruction and (ii) the buffer data is added on the other portion of the middle area in response to the finalize instruction."

Specifically, although Motohashi discusses the various recording aspects of the closure 231 (see Figs. 11 to 18 of Motohashi), Motohashi merely discloses that the entire of the

closure 231 is recorded at one time. Namely, Motohashi does not disclose that only a part of the closure 231 is recorded and then the other part of the closure 231 is recorded. In addition, although Motohashi merely discusses that the lead-out 232 is recorded instead of the closure 231 (See paragraph 0099 of Motohashi), Motohashi does not disclose that only a part of the lead-out 232 is recorded and then the other part of the lead-out 232 is recorded.

In addition, although Shoji discloses that the same contents as recorded in a remaining area 1105 (see ¶ 0135 and Fig. 6B of Shoji), Shoji does not disclose when the same contents as recorded in a remaining area 1105, which means that Shoji does not disclose that the same contents as recorded in a remaining area 1105 in response to the finalize instruction.

Therefore, the Applicants believe that the combination or each of Motohashi and Shoji does not disclose, suggest or teach the features of the present invention such that "(i) the predetermined amount of buffer data is written in one portion of the middle area in response to the first border close instruction and (ii) the buffer data is added on the other portion of the middle area in response to the finalize instruction."

Therefore, for at least the reasons discussed above, Motohashi and Shoji, taken separately or in combination, fail to render obvious the features of claims 6 and 9 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

<u>SUMMARY</u>

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 6, 9 and 11 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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